

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

DANNY BELL

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-cv-00084-GHD-RP

ITAWAMBA COUNTY, MISSISSIPPI; NORTHEAST  
MISSISSIPPI REGIONAL WATER SUPPLY DISTRICT;  
COOK COGGINS ENGINEERS, INC.; EUTAW CONSTRUCTION  
COMPANY, INC.; and CENTURY CONSTRUCTION GROUP, INC.

DEFENDANTS

**ORDER DESIGNATING REMAINING PARTIES**

Presently before the Court is the Plaintiff's motion to grant relief or for clarification [43]. Upon due consideration and based upon the parties' agreed-upon dismissal of Defendants Itawamba County and Northeast Mississippi Regional Water Supply District from this litigation, the Court finds that the motion should be granted and that this litigation shall proceed against Defendants Cook Coggins Engineers, Eutaw Construction Company, and Century Construction Group.

On December 26, 2018, pursuant to Section 11-27-81 of the Mississippi Code, the Defendant Itawamba County filed a complaint in the Special Court of Eminent Domain of Itawamba County, Mississippi, seeking a grant of eminent domain to obtain temporary easements on two parcels of property, measuring 0.67 acres and 0.95 acres, owned by the Plaintiff in order to install a pipeline to bring water from the Tennessee-Tombigbee waterway to a water treatment plant.

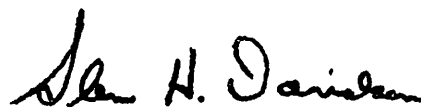
While that action was pending, the Plaintiff, on April 29, 2019, preemptively filed this parallel action in this court, asserting claims for, *inter alia*, trespass, illegal taking, and conversion [1]. On June 18, 2019, Defendants extended an offer of judgment to the Plaintiff in the state court action. After the Plaintiff indicated his purported acceptance of the offer of judgment, the

Defendants moved to dismiss this action as moot [27]. The Plaintiff did not respond to the Defendants' motion, and this Court granted the Defendants' motion to dismiss [33]. The Plaintiff then moved the Court to alter its judgment, arguing that a settlement between the parties had actually not been effected in the state court action. Simultaneously, the Defendants filed a motion in the state court action to enforce the settlement and for the state court to enter a final judgment.

Given these developments, this Court entered an Order holding the Plaintiff's motion in abeyance and instructing the parties to inform the Court when the state court entered a decision on the Defendants' motion to enforce settlement and for entry of final judgment [39]. The parties then informed this Court that a settlement has been reached between the Plaintiff and Defendants Itawamba County and Northeast Mississippi Regional Water Supply District, settling both the state court action and the Plaintiff's claims against those two parties in this Court; this Court subsequently entered an Order of Dismissal as to those Defendants [41]. Because the parties' settlement agreement is limited to those two Defendants, and the remaining three Defendants in this action ultimately were not parties to the settlement agreement, the Court finds that this litigation shall continue against those remaining three Defendants - Cook Coggins Engineers, Eutaw Construction Company, and Century Construction Group.

Therefore, for the foregoing reasons, it is hereby ORDERED that the Plaintiff's motion to grant relief or clarification [43] is GRANTED; this cause is REOPENED, and the Plaintiff's claims against Cook Coggins Engineers, Inc., Eutaw Construction Company, Inc., and Century Construction Group, Inc. shall PROCEED in this Court.

THIS, the 20<sup>th</sup> day of July, 2020.



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SENIOR U.S. DISTRICT JUDGE